

(2) Willful misconduct of the employee; or

(3) Activities unrelated to the employee's status as a Federal employee.

(c) The decision whether to furnish a flag to the beneficiary of an eligible employee is at the discretion of the agency. When an authorized agency official determines the agency will furnish a flag for a deceased eligible employee, the official must follow the order of precedence specified in § 550.1505.

§ 550.1505 Order of precedence.

If the authorized agency official determines the agency will furnish a flag, it must be issued to one beneficiary pursuant to the following order of precedence—

- (a) The widow or widower;
- (b) If none, to a child (including step, foster, or adopted child), according to age (*i.e.*, oldest to youngest);
- (c) If none, to a parent (including step, foster, or adoptive parent);
- (d) If none, to a sibling (including step, half, or adopted sibling), according to age; (*i.e.*, oldest to youngest);
- If none, to any individual related by blood or close family affiliation.

§ 550.1506 Beneficiary receipt of a flag.

One eligible beneficiary, following the order of precedence in § 550.1505, may be provided a flag by the agency once the agency has—

- (a) Documented the date and nature of death of the employee and certified that it conforms to the eligibility criteria in § 550.1504;
- (b) Received a request from a beneficiary; and
- (c) Established the beneficiary's relationship to the deceased employee and determined whether the beneficiary may receive the flag, consistent with the order of precedence under 550.1505.

§ 550.1507 Agency responsibilities.

To efficiently and effectively implement the provisions of the law and these regulations, an agency that wishes to furnish a flag pursuant to this part must—

- (a) Establish procedures for procuring and furnishing a flag, including reaching out to survivors of known eligible employees to provide information

and offer assistance on obtaining a flag;

(b) Notify its employees of the flag benefit annually; and

(c) Disclose information necessary to prove that a deceased individual is an eligible employee as described in § 550.1504 to the extent that such information is not classified and to the extent that such disclosure does not endanger the national security of the United States.

PART 551—PAY ADMINISTRATION UNDER THE FAIR LABOR STANDARDS ACT

Subpart A—General Provisions

Sec.

- 551.101 General.
- 551.102 Authority and administration.
- 551.103 Coverage.
- 551.104 Definitions.

Subpart B—Exemptions and Exclusions

- 551.201 Agency authority.
- 551.202 General principles.
- 551.203 Salary-based nonexemption.
- 551.204 Nonexemption of certain employees.
- 551.205 Executive exemption criteria.
- 551.206 Administrative exemption criteria.
- 551.207 Professional exemption criteria.
- 551.208 Learned professionals.
- 551.209 Creative professionals.
- 551.210 Computer employees.
- 551.211 Effect of performing different work or duties for a temporary period of time on FLSA exemption status.
- 551.212 Foreign exemption criteria.
- 551.213 Exemption of employees receiving availability pay.
- 551.214 Statutory exclusion.
- 551.215 Fire protection activities and 7(k) coverage for FLSA pay and exemption determinations.
- 551.216 Law enforcement activities and 7(k) coverage for FLSA pay and exemption determinations.

Subpart C—Minimum Wage Provisions

BASIC PROVISION

- 551.301 Minimum wage.

SUBMINIMUM WAGE

- 551.311 Subminimum wage.

Subpart D—Hours of Work

GENERAL PROVISIONS

- 551.401 Basic principles.
- 551.402 Agency responsibility.